

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 05, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Commissioners Absent: Larry Hudkins, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 28, 2005.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated June 28, 2005.

Stevens referred to New Business Item 5D on Page 5 of the minutes. He stated the motion should have read as follows: *Heier moved and Schorr seconded approval of Resolution 05-0078 in the matter of the Comprehensive Plan Amendment 05007* instead of approval of Resolution 05-0078 denying Comprehensive Plan Amendment 05007.

Both the maker of the motion and the seconder agreed to approve the minutes of the Board of Commissioners meeting dated June 28, 2005 as corrected.

ROLL CALL: Schorr, Stevens, Workman and Heier voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, July 5, 2005.**

MOTION: Heier moved and Workman seconded approval of all claims processed through July 5, 2005. Workman, Schorr, Heier and Stevens voted aye. Motion carried.

The Vice Chair requested New Business Item 5Q be moved forward on the agenda.

NEW BUSINESS ITEM 5Q:

Appointment of Dr. Tom Thurber to the County Board of Zoning appeals for a five year term replacing Dennis Heckman.

MOTION: Stevens moved and Workman seconded approval of the appointment of Dr. Tom Thurber to the County Board of Zoning appeals for a five year term replacing Dennis Heckman.

Dr. Thurber stated he attended the University of Nebraska and returned to the State of Nebraska in 1973. He stated he is a veterinarian by training and worked in industry his entire career.

ROLL CALL: Workman, Stevens, Schorr and Heier voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. Street Name Change 05005, requested by Brian D. Carstens, on behalf of BAE, L.L.C., to change the name of the main public street in The Preserve at Cross Creek from "Wildflower Lane" to "Prairieflower Lane", generally located at South 68th Street and Roca Road in Lancaster County, Nebraska. (See New Business Item 4A for correlating resolution.)

The Clerk administered the oath to Brian Carstens, representing BAE, L.L.C..

Carstens gave a brief overview stating there are existing streets named "Wildflower Street" and "Wildflower Lane" in another development located at 70th and Rokeby Road. He stated they are requesting the street name change to reduce the possibility of an error being made when dispatching emergency vehicles to either development.

The Vice Chair closed the public hearing.

3) **PUBLIC HEARINGS CONTINUED:**

B. County Special Permit 05026, requested by Nextel Partners, to allow a 349 foot tower for wireless facilities, including a waiver of the fall zone, on property generally located northeast of the intersection of South 68th Street and Olive Creek Road in Lancaster County, Nebraska. (See New Business Item 4B for correlating resolution.)

The Clerk administered the oath to Alex Novak, representing Nextel Partners.

Novak requested that the address for Uden and Margareta Kunz be updated to 7400 Olive Creek Road instead of 7900 Olive Creek Road.

Novak stated Nextel is requesting the tower because they are expanding their coverage in Lancaster County and the City of Hickman. He indicated they did look at available co-location opportunities, however, none of the existing structures would work for them. Novak added that he has visited with Doug Ahlberg, Emergency Management Director, regarding placement of emergency equipment on the tower, noting that the space would be provided for the equipment free of charge. He stated space would also be provided inside the shelter for the radio equipment.

In response to a question asked by Schorr, Novak stated they have not visited with the City of Hickman regarding space for emergency equipment, but they would be willing to do that.

Workman asked if anyone would be co-locating on the Nextel tower.

Novak responded that the tower is designed to hold multiple carriers similar to Nextel, but at the present time no other carriers are located there.

In response to a question asked by Stevens regarding the fall zone, Mike DeKalb, Planning Department, stated no waivers are required because Nextel meets the full one to one fall.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **NEW BUSINESS:**

A. A resolution in the matter of Street Name Change 05005, requested by Brian D. Carstens on behalf of BAE, L.L.C., to rename the main public street in the Preserve at Cross Creek from "Wildflower Lane" to "Prairieflower Lane" on property generally located at South 68th Street and Roca Road in Lancaster County, Nebraska. (R-05-0084)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0084 in the matter of Street Name Change 05005, requested by Brian D. Carstens on behalf of BAE, L.L.C., to rename the main public street in the Preserve at Cross Creek from "Wildflower Lane" to "Prairieflower Lane" on property generally located at South 68th Street and Roca Road in Lancaster County, Nebraska. Stevens, Heier, Workman and Schorr voted aye. Motion carried.

B. A resolution in the matter of County Special Permit 05026 requested by Nextel Partners, for authority to construct a 349 foot tall tower for wireless facilities, on property generally located northeast of the intersection of South 68th Street and Olive Creek Road in Lancaster County, Nebraska. (R-05-0083)

MOTION: Workman moved and Heier seconded approval of Resolution 05-0083 in the matter of County Special Permit 05026 requested by Nextel Partners, for authority to construct a 349 foot tall tower for wireless facilities, on property generally located northeast of the intersection of South 68th Street and Olive Creek Road in Lancaster County, Nebraska. Heier, Workman, Schorr and Stevens voted aye. Motion carried.

C. An interlocal agreement with the State of Nebraska Probation Administration to facilitate the administration of the Drug Treatment Court for the District Court of Lancaster County through the provision of two drug treatment court probation officers and a part-time drug technician. The term of the agreement is from July 1, 2005 through June 30, 2006. The County will pay up to \$89,329 for the services. (C-05-0365)

4) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of an interlocal agreement with the State of Nebraska Probation Administration to facilitate the administration of the Drug Treatment Court for the District Court of Lancaster County through the provision of two drug treatment court probation officers and a part-time drug technician. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

D. An agreement with the Asian Community and Cultural Center for professional services in the area of community- based care coordination using the wraparound process for youth, ages 10 - 18 years old, who have severe emotional disorders and to begin the development of a discharge plan(s) for such youth. Term of the agreement is July 1, 2005 through August 31, 2005. The County will pay \$11,532 for such services. (C-05-0366)

MOTION: Stevens moved and Workman seconded approval of an agreement with the Asian Community and Cultural Center for professional services in the area of community- based care coordination using the wraparound process for youth, ages 10 - 18 years old, who have severe emotional disorders and to begin the development of a discharge plan(s) for such youth. Schorr, Heier, Workman and Stevens voted aye. Motion carried.

E. An agreement with Renee Dozier to coordinate the completion and closing out of the SAMHSA Grant (Families First and Foremost) and prepare a final comprehensive report as required by SAMHSA. Term of the agreement is July 1, 2005 through November 30, 2005. The County will pay \$18,000 for such services. (C-05-0367)

MOTION: Workman moved and Heier seconded approval of an agreement with Renee Dozier to coordinate the completion and closing out of the SAMHSA Grant (Families First and Foremost) and prepare a final comprehensive report as required by SAMHSA. Stevens, Workman, Heier and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

F. An agreement with Maria J. Pendleton to coordinate the financial aspects of the completion and closing out of the SAMHSA Grant (Families First and Foremost) and prepare the comprehensive finance report as required by SAMHSA. Term of the agreement is July 1, 2005 through November 30, 2005. The County will pay \$12,000 for said services. (C-05-0368)

MOTION: Workman moved and Heier seconded approval of an agreement with Maria J. Pendleton to coordinate the financial aspects of the completion and closing out of the SAMHSA Grant (Families First and Foremost) and prepare the comprehensive finance report as required by SAMHSA. Heier, Stevens, Schorr and Workman voted aye. Motion carried.

G. An agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Term of the agreement is July 1, 2005 through June 30, 2006. The County will pay \$55 per hour for no more than 18 hours per week. (C-05-0369)

MOTION: Stevens moved and Workman seconded approval of an agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

H. An agreement with Cedars Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court. Term of the agreement is July 1, 2005 through June 30, 2006. The County will pay up to \$27,000 for the services. (C-05-0370)

MOTION: Heier moved and Stevens seconded approval of an agreement with Cedars Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court subject to receipt of the certificate of insurance in the County Attorney's Office. Stevens, Workman, Heier and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- I. An agreement with Pierson Fitchett Law Firm for the representation of indigents parents and juveniles in the Separate Juvenile Court of Lancaster County. Term of the agreement is July 1, 2005 through June 30, 2008. The County will pay \$144,000 for the services over the three year term. (C-05-0371)**

MOTION: Stevens moved and Workman seconded approval of an agreement with Pierson Fitchett Law Firm for the representation of indigents parents and juveniles in the Separate Juvenile Court of Lancaster County. Term of the agreement is July 1, 2005 through June 30, 2008. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

- J. An agreement with Lincoln Psychological Services, P.C. for mental health services, through Daniel Leggiadro, at the Community Mental Health Center. Term of the agreement is July 1, 2005 through June 30, 2006. The County will pay \$65 per hour for no more than 45 hours per week. The County will also pay \$100 per weekend where Dr. Leggiadro has agreed to provide on-call services. (C-05-0373)**

MOTION: Workman moved and Heier seconded approval of an agreement with Lincoln Psychological Services, P.C. for mental health services, through Daniel Leggiadro, at the Community Mental Health Center. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- K. An agreement with Morris & Titus Law Firm for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Term of the agreement is July 1, 2005 through June 30, 2008. The County will pay \$192,000 for the services over the three year term. (C-05-0377)**

MOTION: Stevens moved and Workman seconded approval of an agreement with Morris & Titus Law Firm for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

- L. An addendum to an agreement with the Institute for Social and Economic Development, under County Contract C-02-0118, for evaluation of the Lancaster County Adult Drug Court through the recidivism impact analysis, a drug court impact analysis and an annual report. The addendum extends the agreement to May 31, 2005 to allow for submission of the final report. (C-05-0372)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of an addendum to an agreement with the Institute for Social and Economic Development, under County Contract C-02-0118, for evaluation of the Lancaster County Adult Drug Court through the recidivism impact analysis, a drug court impact analysis and an annual report. Workman, Schorr, Heier and Stevens voted aye. Motion carried.

M. A quitclaim deed from Lancaster County, as the Grantor, and Richard R. Jensen and Kathleen A. Jensen, as the Grantees, for a one foot strip of land adjacent to 1929 North 57th Street legally described as the north one foot of the south three feet of Lot 8, Block 10, Bond and Colby Tract in the southwest quarter of Section 16, Township 10 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska.

MOTION: Heier moved and Workman seconded approval of a quitclaim deed from Lancaster County, as the Grantor, and Richard R. Jensen and Kathleen A. Jensen, as the Grantees, for a one foot strip of land adjacent to 1929 North 57th Street legally described as the north one foot of the south three feet of Lot 8, Block 10, Bond and Colby Tract in the southwest quarter of Section 16, Township 10 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following:

- ▶ **Metroplex Control Systems, in the amount of \$272,250, for the security upgrade in the Corrections Department**
- ▶ **Don McKinney, Inc., in the amount of \$5,660, for the final payment regarding the vehicle storage facility for the Sheriff's Office**

Total payment request is \$277,910.

MOTION: Workman moved and Heier seconded approval to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Metroplex Control Systems, in the amount of \$272,250, and to Don McKinney, Inc., in the amount of \$5,660. Total payment request is \$277,910. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

O. A request from Buffalo County, pursuant to Neb. Rev. Stat. § 68-144 and § 68- 145 for reimbursement of a general assistance payment of \$250 for rental assistance paid to Pablo and Tracy Perez.

Item placed on hold for two weeks.

P. A request from Metro Leasing Company, on behalf of Haven Manor, for a refund of 2004 personal property taxes, in the approximate amount of \$1,883.52.

Scott Gaines, Deputy Chief Administrative County Assessor/Register of Deeds, recommended approval of the refund request.

MOTION: Stevens moved and Heier seconded approval of a request from Metro Leasing Company, on behalf of Haven Manor, for a refund of 2004 personal property taxes, in the approximate amount of \$1,883.52. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Q. Appointment of Dr. Tom Thurber to the County Board of Zoning appeals for a five year term replacing Dennis Heckman.

Item moved forward on the agenda.

R. A political subdivision tort claim filed against the Lancaster County Corrections Department by Nickson Paul for lost property, in the amount of \$85.

MOTION: Stevens moved and Workman seconded to accept the recommendation of the Corrections Director and approve the tort claim filed against the Lancaster County Corrections Department by Nickson Paul for lost property, in the amount of \$28, subject to the claimant signing a release of all claims. Stevens, Heier, Workman and Schorr voted aye. Motion carried.

5) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A. Setting of a public hearing for Tuesday, July 12, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Richard Bjorklund in connection with a Class C liquor license for the Nebraska State Board of Agriculture located at 1800 State Fair Park Drive, Lincoln, Lancaster County, Nebraska.**
- B. Setting of public hearings for Tuesday, July 19, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**
 - 1. Street Name Change 05004, requested by the Director of Public Works and Utilities, to name the road planned to connect Ashbrook Drive to Highway 2 as "Ashbrook Drive".**
 - 2. County Final Plat 05053, Adams Street Acreages, requested by Lyle Loth of ESP on behalf of James M. Buel, for four lots and one outlot, on property generally located one-half mile east of North 148th and Adams Streets in Lancaster County, Nebraska.**
- C. Setting of a public hearing for Tuesday, August 2, 2005 at 1: 30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building to declare as surplus, property generally located at 7000 North 27th Street, Lancaster County, Nebraska. Any interested party may appear and speak for or against the sale and raise any issue regarding the fair market value of the property which is determined by the County Board.**
- D. Request from Alfonso Meza, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.**

5) **CONSENT ITEMS CONTINUED:**

E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and Weston W. and Winifred E. Furrer at West Adams and Northwest 70th Streets; Project C55-M-407(1). These are donations. (3 contracts) (C-05-0374 through C-05-0376)

MOTION: Heier moved and Workman seconded approval of the Consent Items. Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6) **EMERGENCY ITEMS:**

Kerry Eagan, Chief Administrative Officer, explained he was contacted by Lincoln Memorial Funeral Home regarding authorization of a cremation on an unclaimed body.

MOTION: Heier moved and Stevens seconded to declare an emergency and add to the agenda the authorization of a cremation on an unclaimed body. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Eagan submitted a copy of the request for the record (Exhibit 1).

Eagan explained that the individual does have a surviving spouse who applied for General Assistance, however, that application was denied because they were over income. He stated the spouse refused to claim the body when the application was denied.

Kristy Mundt, Deputy County Attorney, recommended the County Board send a letter to the spouse indicating the body will be cremated if it is not claimed within a specific amount of time and that the spouse will be billed accordingly.

MOTION: Stevens moved and Workman seconded to request the County Attorney's Office send a letter to Jerry Vernon notifying him that the County Board will authorize cremation of the body if it is not claimed within 48 hours of receipt of said letter and that he will be billed accordingly. Schorr, Heier, Workman and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:05 p.m.. Stevens, Workman, Heier and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 5, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Commissioners Absent: Larry Hudkins, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Scott Gaines, Chief Administrative Deputy County
Assessor/Register of Deeds
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:05 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 28, 2005.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated June 28, 2005. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 13 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier and Stevens voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Bishop of Lincoln
Christ's Place
Seventh Day Adventist Schools of Lincoln (1997 GMC van)
Sisters of Mercy**

MOTION: Stevens moved and Heier seconded approval of the motor vehicle tax exemptions for Catholic Bishop of Lincoln, Christ's Place, Sisters of Mercy and Seventh Day Adventist Schools of Lincoln (1997 GMC van). Workman, Schorr, Heier and Stevens voted aye. Motion carried.

4) **DENIAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Seventh Day Adventist Schools of Lincoln (2004 Chevrolet G van)

MOTION: Heier moved and Workman seconded denial of a motor vehicle tax exemption for Seventh Day Adventist Schools of Lincoln (2004 Chevrolet G van). Workman, Stevens, Schorr and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Equalization at 2:07 p.m.. Stevens, Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk